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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,
Plaintiff,
v.
ARISTA NETWORKS, INC.,
Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF EDUARDO E.
SANTACANA IN SUPPORT OF
DEFENDANT ARISTA NETWORKS,
INC.'S ADMINISTRATIVE MOTION TO
REDACT/SEAL PORTIONS OF COURT'S
DAUBERT ORDER**

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, EDUARDO E. SANTACANA, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to
 3 practice before this Court. I am an associate at the law firm of Keker & Van Nest LLP and
 4 counsel for Defendant Arista Networks, Inc. in the above-captioned action. I have personal
 5 knowledge of the facts stated herein and, if called as a witness, I could testify competently
 6 thereto.

7 2. Arista seeks to redact and seal certain portions of the Court's Order on *Daubert*
 8 Motions [deciding ECF 423, 427, 428, 429, 430, 440], which the Court made available to the
 9 parties on October 12, 2016, for the purpose of identifying potentially sealable information.

10 3. Because this motion to redact and seal relates to a non-dispositive motion, the
 11 documents and information that the parties request to file under seal are not subject to a strong
 12 presumption of public access. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1180
 13 (9th Cir. 2006). Rather, the "good cause" standard of Rule 26(c) of the Federal Rules of Civil
 14 Procedure applies to the material that Arista seeks to file under seal. *Id.* at 1179. Civil Local
 15 Rule 79-5 further requires that a party seeking to seal information and documents "establish[] that
 16 the document, or portions thereof, are privileged, protectable as a trade secret or otherwise
 17 entitled to protection under the law." Civil L.R. 79-5(b). The sealing request must also "be
 18 narrowly tailored to seek sealing only of sealable material." *Id.*

19 4. Arista seeks to redact and seal the following portions of the Court's Order on
 20 *Daubert* Motions[deciding ECF 423, 427, 428, 429, 430, 440]:

- 21 • Page 18, line 21, beginning with the percentage figure, through page 19 line 1;
- 22 • Page 19, line 6: the percentage figure;
- 23 • Page 19, line 10: the percentage figure;
- 24 • Page 19, line 14: the percentage figure;
- 25 • Page 19, line 27, beginning with the percentage figure, through page 19 line 28;
- 26 • Page 20, line 2: the percentage figure;
- 27 • Page 20, line 9: the percentage figure;

28 5. Good cause supports sealing those portions because they discuss and disclose

1 figures related to Arista’s non-public financial information, including competitive intelligence
2 information as well as specific information pertaining to Arista customers and their non-public
3 product requirements and internal marketing and technical documents discussing Arista’s
4 competitive advantages. *See In re Elec. Arts, Inc.*, 298 F. App’x 568, 569–70 (9th Cir. 2008);
5 *Delphix v. Actifio*, No. 13-cv-04613, 2014 WL 4145520, at *2 (N.D. Cal. Aug. 20, 2014);
6 *Koninklijke Philips v. Elec-Tech Int’l*, No. 14-cv-02737, 2015 WL 581574, at *1–2 (N.D. Cal.
7 Feb. 10, 2015); *see also Schwartz v. Cook*, No. 5:15-cv-03347, 2016 WL 1301186, at *2 (N.D.
8 Cal. April 4, 2016) (discussing the harm that could result by the dissemination of similar sensitive
9 internal business information to competitors, who would find it valuable). Arista also believes
10 that its actual and prospective customers expect that information relating to their purchasing
11 preferences and transactions is maintained in the utmost confidence. Good cause—and also
12 compelling reasons—justify sealing these portions of the Court’s *Daubert* Order.

13 5. Arista does not seek to seal any other portions of the Court's *Daubert* Order.

14 Executed October 19, 2016, at San Francisco, California.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct.



EDUARDO E. SANTACANA